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6 Attorneys for Defendant
7 JOANNE FOUNTAINE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOANNE FOUNTAINE,

15 Defendant.

Case No. CR-07-00006-SBA

**STIPULATION AND ORDER FOR
CONTINUANCE AND EXCLUSION OF
TIME UNDER THE SPEEDY TRIAL ACT,
18 U.S.C. § 3161 ET SEQ.**

Hon. Sandra B. Armstrong

STIPULATION

The parties, by and through undersigned counsel, hereby agree and stipulate as follows:

A change of plea hearing for Defendant Joanne Fountaine is currently set for September 23, 2008. Due to acute issues with Ms. Fountaine's health, Ms. Fountaine is physically unable to attend the change of plea hearing on the scheduled date. Accordingly, the parties request that Ms. Fountaine's change of plea hearing be continued to October 7, 2008 at 11:00 a.m. The parties further request that, based on the facts provided herein, time be excluded under 18 U.S.C. §§ 3161(h)(4), (8)(A) and (8)(B)(i).

For several months, Ms. Fountaine has been suffering from a number of physical ailments. In early May, Ms. Fountaine underwent a non-elective surgery, during the recovery of which she fell and severely injured her knee. As a result, Ms. Fountaine will undergo knee surgery to repair the ligaments that tore in that fall on September 30, 2008. In addition, and of greatest concern, Ms. Fountaine was treated last week for extremely high blood pressure and has been advised by her doctors that she should be hospitalized for the control thereof. Ms. Fountaine's issues with her hypertension remain unresolved.

For these reasons, the parties stipulate and agree that a continuance of Ms. Fountaine's change of plea hearing from September 23, 2008 to October 7, 2008 is necessary because Ms. Fountaine is physically unable to attend the hearing on the currently scheduled date.

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1 In addition, because of the impediment of Ms. Fountaine's health issues, time should be
2 excluded pursuant to 18 U.S.C. §§ 3161(h)(4), (8)(A) and (8)(B)(i).

3 **IT IS SO STIPULATED.**

4 Dated: September 22, 2008

LATHAM & WATKINS LLP

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6 By _____
Robert E. Sims
Holly J. Tate
7 Attorneys for Defendant
JOANNE FOUNTAINE
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9 **IT IS SO STIPULATED.**

10 Dated: September ____, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

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12 By _____
13 Andrew S. Huang
Chinhay J. Coleman
14 Assistant United States Attorney
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ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the continuance of Ms. Fountaine's change of plea hearing from September 23, 2008 to October 7, 2008 is necessary because Ms. Fountaine is physically unable to attend the hearing on its currently scheduled date.

Based on these findings, IT IS HEREBY ORDERED that Ms. Fountaine's change of plea hearing is continued from September 23, 2008 to October 7, 2008 and that time is excluded from the date of this Order to October 7, 2008 under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(4), (8)(A) and (8)(B)(i).

IT IS SO ORDERED.

DATED: _10/3/08



THE HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE